

**FILED**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAN 5 - 2006

CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN MICHIGAN

HOCHSTEIN, et al,

Plaintiff,

CASE NO. 04-73071

v.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

MICROSOFT CORP., and SONY  
COMPUTER ENTERTAINMENT  
AMERICA, INC.,

Defendant,

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ORDER


The Court is considering the appointment of Mr. John A. Artz, Artz & Artz, P.C., 28333 Telegraph Road, Suite 250, Southfield, MI 48034, as a technical advisor to the court. *Techsearch, L.L.C. v. Intel Corporation*, 286 F.3d 1360 (Fed. Cir. 2002); *Reilly v. United States*, 863 F.2d 149 (1st Cir. 1988). A copy of his résumé is attached. The court finds that this case is an exceptional one under the standards set forth in the Federal Circuit's *Techsearch* decision. By this order, the court endeavors to provide a fair and open procedure to the parties for the selection of a technical advisor. The court is familiar with Mr. Artz and his qualifications. The court is satisfied that his appointment pursuant to the terms of this order would adequately safeguard the judicial process and proposes his appointment to the parties.

To assist the court, Mr. Artz would examine the patents in suit, the pertinent briefs, and any evidence submitted in the claim construction process with an eye toward tutoring the court in

the technology involved in the patents and to act as a sounding board for the court. This will enable the court to place the legal questions of claim construction in context given the technology at issue. Moreover, the court may call upon Mr. Artz expertise in the technology at issue should discrete issues arise before or after the claim construction process. The technical advisor's role would be limited to assisting the court in understanding the technological aspects of this dispute. Mr. Artz has determined that no conflicts of interest would preclude his acceptance of this appointment. The court will permit either party to lodge any objections to this appointment within seven (7) days from the date of this order. Such objections may be filed under seal and in camera.

SO ORDERED.

DATED: January 5, 2006



JUDGE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

ATTACHMENT

**JOHN A. ARTZ**  
**Artz & Artz, P.C.**  
**28333 Telegraph Road, Suite 250**  
**Southfield, Michigan 48034**

**Education:**

B.S., Aerospace Engineering, University of Michigan, 1965  
J.D., University of Michigan, 1968

**Practice:**

1968-1974	Private Practice in New York
1974-1989	Harness, Dickey & Pierce, Managing Partner
1989-1998	Brooks & Kushman, P.C., Member of Management Committee
1998-Present	Artz & Artz, Principal

Practice focused on intellectual property law, encompassing patents, trademarks, copyrights and trade secrets. The majority of that activity has involved the preparation and prosecution of applications for patent, the rendering of opinions concerning the patentability, infringement and validity of patents, litigation of patents and other intellectual property matters, and counseling and licensing concerning patents and inventions.

**Bar Membership:**

Member of the State Bars of New York and Michigan  
Registered to practice before U.S. Patent and Trademark Office  
Admitted to practice before numerous Federal District Court and Courts of Appeal throughout the United States, as well as the U.S. Supreme Court

**Associations:**

Past-President, Michigan Intellectual Property Law Association  
Past-Director, PTC Council for the State Bar of Michigan  
Member, American Bar Association  
Member, Bar Association for the State of Michigan  
Member, American Intellectual Property Lawyers' Association

Served on numerous committees and held various offices in the above associations and presented numerous lectures and seminars on intellectual property law matters before various bar associations and patent law associations throughout the country.

**Expert Testimony:**

Rendered expert opinions in several litigated patent matters (all of which either settled or are pending).

**Mediation/Arbitration:**

Worked as an arbitrator, mediator or Early Neutral Evaluator in several disputed patent matters.

**Compensation:**

\$395/hour.